

The reply filed on 2/22/10 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): it does not include a drawing correction to show the subject matter described on page 6, lines 14-22 nor does it set forth with sufficient clarity the basis for adding new claim language to claims 1 and 11 regarding the newly claimed “overlapping” relationship.

Regarding the first problem (the drawing correction to show the subject matter of page 6, lines 14-22) applicant argues that it is unnecessary because he has taken the supplementary heater out of claim 1. That is precisely why the drawing correction is necessary – namely claim 1 is broad enough to encompass the not illustrated embodiment(s) of page 6, lines 14-22 which does/do not have a supplementary heater and instead uses some other “component” adjacent to the heater (as is now claimed in claim 1 which could be one of the other structures discussed on page 6, lines 14-22 of the specification) in place of the supplementary heater. The examiner will put it another way: If a would-be infringer incorporated the subject matter of page 6, lines 14-22 into his allegedly infringing device, would he infringe claim 1? The examiner believes applicant will answer “yes” to this question. If so, then the requirement to show the claimed subject matter under 37 CFR 1.83(a) is maintained to be proper and the drawing correction is required. The interested public is entitled to illustrations that provide proper notice as to the full scope of claim 1.

Regarding the second point, the Rules require there to be some sort of correspondence between the language of the specification and the claim language. There is no use of the word "overlap" (or any synonym thereof) in the specification that the examiner could find. Please address some remarks as to what specific structure in which specific drawing this overlap is shown and add reference numerals to the drawings so that it will be clear to the reader what structures are overlapping. If it is shown in more than one drawing or more than one location applicant must identify all structures and locations that are described by the overlapping language. See 37 CFR 1.121(e).

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John K. Ford whose telephone number is 571-272-4911. The examiner can normally be reached on Mon.-Fri. 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3744

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John K. Ford/
Primary Examiner, Art Unit 3744